

Sentence Review Division  
301 S. Park, Suite 328  
P.O. Box 203005  
Helena, MT 59620-3005  
Phone: (406) 841-2976  
Email: [shellysmith@mt.gov](mailto:shellysmith@mt.gov)

**FILED**

**MAR 11 2020**

**SENTENCE REVIEW DIVISION  
OF THE SUPREME COURT  
STATE OF MONTANA**

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-18-003
	)	
Plaintiff,	)	Deer Lodge County District Court
	)	Montana Third Judicial District
-vs-	)	
	)	<b>DECISION</b>
MATHEW C. MCCORMACK,	)	
	)	
Defendant.	)	

On October 2, 2019, for violations of the terms and conditions of the prior sentence imposed February 20, 2019, the Court revoked the Defendant's deferred sentence and sentenced the Defendant to a commitment to the Department of Corrections for placement in an appropriate correctional facility or program for a term of five (5) years, with two (2) years suspended, for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Court recommended the defendant be considered for inpatient chemical dependency treatment followed by a veteran's re-entry program. The Defendant was given 124 days credit for time served.

On February 21, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared Pro-Se by video conferencing from the WATCH facility. The State was represented by Deer Lodge County Attorney, Ben Krakowka.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-

904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 21<sup>st</sup> day of February, 2020.

DATED this 11<sup>th</sup> day of March, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed this 11<sup>th</sup> day of March, 2020, to:

Clerk of District Court (Original)  
Mathew C. McCormack #3026245, Defendant (2)  
Hon. Ray Dayton  
Ben Krakowka, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Shelly Smith, Office Administrator  
Sentence Review Division